

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Case No. 3:21-CR-0417-X
	§	
DAVID M. YOUNG, MD	§	
	§	
<i>Defendant.</i>	§	

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant David Young's motion to allow a fact witness to testify remotely. (Doc. 174). After reviewing the motion, response, and applicable law, the Court **DENIES** Young's motion. (Doc. 174).

Young observes that "[t]he government has indicated that it will seek to admit at trial an email that was written by Jessie Eubanks on September 12, 2019."¹ Young states that, if the Court admits this email, he will call Ms. Eubanks, an office administrator at Elite Medical Laboratories, to testify for the purpose of putting the email into context.² To this end, Young seeks to have Eubanks testify remotely, arguing that her remote testimony is warranted here because (1) her testimony will be short and (2) it will be burdensome for her and her employer if she misses a day.³

¹ Doc. 174 at 1.


² *Id.* at 2.

³ *Id.*

The Government opposes Young's motion.⁴ In opposition, the Government argues that Rule 26 of the Federal Rules of Criminal Procedure's text mandates that a witness testify in person unless an exception applies.⁵ The Court agrees with the Government.

A few months ago, Judge Mazzant tackled a similar issue—whether a witness in a criminal case should be allowed to testify remotely.⁶ Citing to Rule 26's text and Supreme Court precedent, Judge Mazzant denied a defendant's request to take a witness's testimony remotely. Young has not carried his burden in proving otherwise. Therefore, the Court denies Young's motion.

IT IS SO ORDERED this 13th day of May, 2024



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

⁴ Doc. 177.

⁵ *Id.* at 2.

⁶ *United States v. Adeoye*, No. 4:21-CR-253(13), 2024 WL 113765 at *2 (E.D. Tex., Jan. 8, 2024) (Mazzant, J.).